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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MARA AMONE individually, and )	CIVIL NO. CV04-00508 ACK/BMK
on behalf of all persons similarly )	
situated, )	<b>DECLARATION OF SHELBY</b>
	) <b>ANNE FLOYD; EXHIBITS "A" -</b>
Plaintiff, )	<b>"B"</b>
	(continued on next page)

v. )  
)  
STEPHANIE AVEIRO, in her )  
official capacity as the Executive )  
Director of the Housing and )  
Community Development )  
Corporation of Hawaii; HOUSING )  
AND COMMUNITY )  
DEVELOPMENT CORPORATION )  
OF HAWAII, a duly organized )  
and recognized agency of the )  
State of Hawaii. )  
)  
Defendants. )  
\_\_\_\_\_ )

**DECLARATION OF SHELBY ANNE FLOYD**

I, SHELBY ANNE FLOYD, do hereby declare and state under penalty of perjury that the following facts are true and correct:

1. I am an Officer and Director of the law firm of Alston Hunt Floyd & Ing ('AHFI'), counsel for the Plaintiff class herein. I received my J.D. degree from Columbia University School of Law in 1975 with honors. I was licensed to practice law in Hawaii State and Federal Courts in 1976, in the Ninth Circuit Court of Appeals in 1976, and before the U.S. Supreme Court in 2002.

2. I make this Declaration based on my personal knowledge

and am competent to testify as to the matters set forth herein.

3. I have practiced law with AHFI or its predecessor Paul Johnson Alston & Hunt since 1978, and have been an officer and director of the firms since 1980. Much of my practice in the last 30 years has involved complex federal litigation stemming from violations of federal statutory or constitutional rights. Most of these cases were brought in the form of class actions. I have been appointed class counsel in such cases as *Felix v. Waihee*, No. 93-00367-DAE, United States District Court (D. Haw.) resulting in the Felix consent decree (special education); *Burns-Vidlak v. Chandler*, 980 FS 1144 (D. Haw. 1997), 939 F.Supp. 765 (D. Haw. 1966) (Medicaid/disability rights); *Sterling v. Chandler*, No. 98-0025 8 SOM (D. Haw. Oct. 9, 1998) (Medicaid/disability rights); and *Pasatiempo v. Aizawa*, 103 F.2d 796 (9th Cir. 1996) (special education).

4. In 2004, AHFI entered into an agreement with Lawyers for Equal Justice ("LEJ"), a non-profit law firm, to represent Plaintiffs in this action on a contingent fee basis, to seek injunctive

and declaratory relief that Defendant Housing and Community Development Corporation of Hawaii (HCDCH) was violating Federal law by not adjusting utility allowances provided to disabled public housing tenants in the State of Hawai'i. AHFI agreed to advance all the costs of suit on behalf of the class, which it has done. AHFI was to be, and has been, lead counsel for Plaintiffs. AHFI and LEJ agreed to keep time records of their work on this action, and to divide fees recovered or awarded in accordance with the requirements of the Rules of Professional Responsibility.

5. Attached as Exhibit "A" is a schedule showing the time billed to this matter by AHFI, and the identity of the persons billing the time. The vast majority of the time was spent by me because of the complex nature of the underlying Federal statutes (U.S. Housing Act and implementing regulations) and the statutory and constitutional defenses unique to the State of Hawai'i. When work could be done by other attorneys or paralegals in my office, it was. The time incurred was necessary to accomplish the favorable results obtained in this action. The low hourly rate reflected on the

billing statement was offered for the purposes of settlement and is lower than what I would have otherwise billed. Additionally, the significant number of hours expended since December 2005 to finally resolve this matter have not been included in the billing.

6. Attached as Exhibit B is a schedule of the costs incurred in the prosecution of this action. All the costs were necessarily incurred in the action. There are receipts kept in the ordinary course of business for each of the expenses shown for third-party vendors, and for the internal expenses such as copying and long distance telephone calls. Upon request, Class Counsel will furnish these to the Court.

I swear under penalties of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed in Kailua-Kona, Hawai'i on June 6, 2007.

  
SHELBY ANNE FLOYD